IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.386 OF 2007

Savita Satish Sonavane ..Applicant
V/s.
Santosh Prakash Sonavane & Anr. ..Respondents

Ms.Smita Mane for the applicant.

Mr.K.V.Saste APP for the State.

CORAM : V.C.DAGA,J

Date : 22.10.2007.

PC

1. Heard the learned Advocate for the applicant and the learned APP for the State.

2. This application is directed against the order dated 21.4.2007 passed in Sessions Case No.37/2005 wherein the accused Santosh & Alka the respondents herein were acquitted under Section 235(1) of Cr.P.C.for the offence punishable under Sections 307, 326, 504, 506 r/w 34 of IPC. The entire submission advanced by the learned Advocate for the applicant has been considered by the Sessions Court.

3. In my opinion, on proper appreciation of evidence acquittal of the accused is recorded by the trial Court. In the case of **C.P.Fernandes V. Union territory of Goa, Daman & Diu,** AIR 1977 SC 135, the Apex Court has ruled that the Court should not interfere with the trial Court view unless found to be unreasonable or perverse. If two views are possible on

the basis of evidence on record, the higher Court should not disturb the findings of the trial Court is the settled law (See : **Varghese Thomas v. State of Kerala,** 1977 SC 701).

4. Revisional jurisdiction is not only limited in scope but also is discretionary. The court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

5. This Court not being the court of appeal, is not expected to re-appreciate the evidence. Considering the limited jurisdiction available to this Court, no case is made out to interfere with the impugned order. The view taken by the Sessions Court is a reasonable and possible view. No perversity could be demonstrated by the applicant in the impugned order. Application is therefore, rejected.

(V.C.DAGA,J)